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November 10, 2005

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Via Facsimile and E-Mail

Honorable James C. Francis IV
United States Magistrate Judge
Daniel Patrick Moynihan United States Courthouse
500 Pearl Street, Room 1960
New York, New York 10007-1312

1-212-805-7930

Re: American Steamship Owners Mutual Protection and Indemnity Association, Inc.
v. Alcoa Steamship Co., Inc., et al., No. 04 Civ. 04309 (LAK) (JCF)

Dear Judge Francis:

We are counsel for the American Steamship Owners Protection and Indemnity Association (the "American Club") in the captioned matter. We write with reference to Messrs. Proskauer's letter of November 9, 2005 regarding (1) production of additional documents from the Club's privilege log and (2) Defendants request to move to compel answers to interrogatories. If the letter is deemed to be the motion, we respectfully seek additional time to reply.

Defendants' application raises important privilege issues not previously addressed*, and a substantial question as to Defendants' entitlement to extremely burdensome discovery which effectively assumes resolution of the ultimate issues herein in Defendants' favor, all requiring a substantial and considered response in opposition which cannot reasonably be completed in the usual time.

As the undersigned counsel, who has been principally involved in the issues leading up to this dispute, will be out of the country during the week of November 13, 2005 on business, and in view of the intervening Thanksgiving Holiday the following week, we respectfully ask for additional time to reply from November 16, 2005 to November 30, 2005.

* Referring to documents other than the May 18, 2004 opinion, which is being produced.

No prior requests for the extension have been made. Defendants' counsel have refused to agree to the extension on the ground that the issues have been known and opposition can be completed in my absence. Defendants, however, have not cited, and indeed cannot cite, any prejudice they would suffer if the extension were granted. On the other hand, my unavailability to work on the response to the November 9 letter would be unfair, and would result in undue and unnecessary costs being incurred by plaintiff for no legitimate purpose. Accordingly, we respectfully request that, to the extent the Court deems defendants' November 9th letter as a motion, the Court extend plaintiff's time to respond to that letter until November 30th.

Thank you for your attention.

Respectfully submitted,

NOURSE & BOWLES, LLP

By:


Lawrence J. Bowles

LJB/jtc

cc: All Counsel (Via E-Mail)

11/11/05
Application granted.
SO ORDERED.
James C. Francis IV
USMJ